

Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

FILED 03 2009

In the Matter of:

Digital Performance in Sound Recordings  
and Ephemeral Recordings

Docket No. 2009-1  
CRB Webcasting III

Copyright Royalty Board

**PETITION TO PARTICIPATE**

SoundExchange, Inc. ("SoundExchange"), on behalf of itself and the copyright owners and artists on whose behalf it collects and distributes statutory royalties, submits this Petition to Participate in response to the Copyright Royalty Judges' Notice announcing the date for submission of Petitions to Participate in a "proceeding to determine the reasonable rates and terms for two statutory licenses, permitting certain digital performances of sound recordings and the making of ephemeral recordings for the period beginning January 1, 2011, and ending on December 31, 2015." 74 Fed. Reg. 318 (Jan. 5, 2009).

SoundExchange is a nonprofit organization incorporated in the State of Delaware and jointly controlled by representatives of sound recording copyright owners and artists through an 18-member Board of Directors. Its Board of Directors includes representatives from the major record companies, independent record companies, the American Association of Independent Music, the American Federation of Musicians, the American Federation of Television and Radio Artists, and artist representatives, among others. The Copyright Royalty Judges have previously designated SoundExchange as the Collective to receive Section 112 and 114 royalty fees, and SoundExchange has advocated on behalf of artists and copyright owners in several other proceedings. SoundExchange has collected and distributed tens of millions of dollars in

statutory royalties for thousands of copyright owners and artists, and continues to do so.

SoundExchange currently maintains more than 35,000 artist accounts and more than 4,000 copyright owner accounts. SoundExchange thus represents the interests of sound recording copyright owners and featured artists who are entitled to a portion of the royalties paid by services claiming the benefits of the statutory licenses.

Accordingly, SoundExchange, on its own behalf and on behalf of sound recording copyright owners and artists, has a significant interest in the royalty rates and terms that are the subject of the instant proceeding. *See* 17 U.S.C. § 803(b)(1)(B). SoundExchange will participate fully in the instant proceeding.

Pursuant to 37 C.F.R. § 351.1(b)(1), SoundExchange provides the following contact information:

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Pursuant to 37 C.F.R. § 351.1(b)(4), SoundExchange is submitting the required filing fee of \$150 in connection with this Petition to Participate.

Respectfully submitted,

By Jared O. Freedman

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*Counsel for SoundExchange, Inc.*

February 3, 2009

JENNER & BLOCK

February 3, 2009

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FEB 03 2009

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VIA HAND DELIVERY

Copyright Royalty Board

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RE: Docket No. 2009-1 CRB Webcasting III  
Docket No. 2009-2 CRB New Subscription II

To Whom It May Concern:

SoundExchange is filing Petitions to Participate and the required \$150 filing fees in the two cases listed above. Please find attached the original and five copies of each Petition, as well as disks containing a PDF of each Petition.

Sincerely,



Albert K. Peterson  
Senior Paralegal

AKP:akp

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PAY  
TO THE  
ORDER OF Copyright Royalty Board

DATE January 30, 2009

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FOR SoundExchange filing fee, docket# 2009-1  
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